

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID D. HALL,)	CASE NO. 1:04CV0052
)	
Petitioner,)	
)	
v.)	JUDGE PETER C. ECONOMUS
)	
JESSE WILLIAMS, WARDEN,)	
)	
Respondent.)	MEMORANDUM OPINION
)	AND ORDER

On January 12, 2004, Petitioner, David D. Hall, filed a *pro se* writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his criminal conviction (Dkt. # 1). The case was referred to Magistrate Judge James S. Gallas pursuant to Local Rule 74.2 (Dkt. # 9). On November 15, 2006, the Magistrate Judge recommended that this matter be closed pending a motion to reopen following Petitioner's exhaustion of state remedies on the unexhausted claims, or, in the alternative, that the petitioner amend his petition within 15 days so as to abandon the unexhausted ground. (Dkt. # 19). Petitioner thereafter filed a motion to amend his petition, which this Court granted on December 12, 2006. (Dkt. #s 20, 21). The matter was referred back to Magistrate Judge Gallas for the issuance of a report and recommendation on the three remaining exhausted grounds. (Dkt. # 21).

On February 2, 2007, the Magistrate Judge recommended that Petitioner's petition for habeas corpus relief under 28 U.S.C. § 2254 be denied and dismissed. (Dkt. # 25).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Magistrate Judge's report and recommendation (Dkt. # 25) is hereby **ADOPTED** and Petitioner's writ of habeas corpus is **DISMISSED**. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus - February 26, 2007
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE